

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action mailed October 1, 2010. At the time of the Office Action, Claims 1-5, 25, 27, and 32-33 were pending in the Application and stand rejected. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejection

The Examiner rejects Claims 1-3, 25, 27-29 and 32-33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2005/0021715 issued to Dugatkin (hereinafter "*Dugatkin*") in view of U.S. Patent No. 6,978,297 issued to Piersol (hereinafter "*Piersol*") and further in view of U.S. Patent No. 6,161,102 issued to Yanagihara (hereinafter "*Yanagihara*"). The Examiner also rejects Claims 4 and 30 under 35 U.S.C. §103(a) as being unpatentable over *Dugatkin* in view of *Piersol* in view of *Yanagihara* and in further view of U.S. Patent No. 7,185,192 issued to Khan (hereinafter "*Khan*"). The Examiner further rejects Claim 5 and 31 under 35 U.S.C. §103(a) as being unpatentable over *Dugatkin*, in view of *Piersol*, in view of *Yanagihara* and in further view of Microsoft Outlook 2000 © 1995-2000 (hereinafter "*Outlook*").

As a preliminary matter, Applicant is ready to Appeal this case and, accordingly, has filed a Notice of Appeal concurrently with this After-Final Response. This is because there are a number of deficiencies associated with the Examiner's current §103 rejections. For example, the Examiner cites various portions of *Dugatkin* in his rejections; however, there is nothing at those passages that would address the corresponding features outlined by Independent Claim 1.

Recall that Independent Claim 1 recites "...a search editor view to enable parameters of a search of tags of objects captured by the capture system to be defined, the capture system configured to intercept data from data streams, reconstruct the data, and store network transmitted objects according to a capture rule that defines which objects are to be captured

by the capture system, wherein each tag is associated with at least one captured object and includes relevant information that describes the at least one object, and wherein ***the capture rule is part of a default rule set for the capture system configured to monitor network traffic and capture the at least one object***, and wherein the capture system is configured to store a document captured by the capture system according to the capture rule, which identifies a first internet protocol (IP) address from which the document was sent and a second IP address associated with an intended destination of the document, and wherein ***after an initial search is generated it is scheduled to occur on a periodic basis such that a report is automatically sent to a network address of an author of the initial search....***"

First, nothing in *Dugatkin* discloses anything related to a default rule set. It appears as though the Examiner has glossed over this limitation entirely. System defined (or user-defined) constraints is not akin to a default rule set for the capture system. Second, nothing in *Dugatkin* discusses any type of capture rule, which outlines source and destination address information. Applicant is at a loss to even respond to the Examiner's citation to Fig. 3 of this *Dugatkin* reference. Nowhere in that Fig. 3 (nor in the associated descriptions of this illustration) is there any disclosure associated with IP addresses: much less two different IP addresses associated with the origination and the destination associated with a document sought to be transmitted over the network. In that sense, the *Dugatkin* reference does not have the requisite intelligence to track information being sent by/to specific IP addresses. Moreover, according to Independent Claim 1, a rule is defined to identify these particular IP addresses of interest, and that same rule includes information associated with whether the corresponding document should be stored. None of this is provided in the Examiner's references.

Finally, no reference discusses *search scheduling to occur after an initial search is generated*, or how such searching would continue on a periodic basis. As an aside, no reference discusses ***how a report would be automatically sent to a network address of an author of the initial search***.

All these limitations are provided for in Independent Claim 1, but no reference of record includes such elements. Applicant has reviewed the cited references and found nothing that

would be relevant to these teachings. For at least these reasons, Independent Claim 1 is allowable over any cited reference, or combination of references. The other Independent Claims recite limitations similar, but not identical, to those recited in Independent Claim 1. Therefore, these claims are also allowable, for example, for the same reasons as identified above. Additionally, the corresponding dependent claims from these Independent Claims are also patentably distinct for analogous reasons. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

A Notice of Appeal is being filed simultaneously herewith. The Notice of Appeal fee in the amount of \$540 is being paid concurrently herewith via the Electronic Filing System (EFS) by way of Deposit Account No. 50-4889 authorization. No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at (214) 823-1241.

Respectfully submitted,

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